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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

) CASE NO. C-1-01-0021
)
)
)
JAN ALBERT CREUSERE,) Judge Susan Beckwith
Plaintiff,)
)
)
vs.)
)
OHIO AND VICINITY REGIONAL)
COUNCIL OF CARPENTERS,)
et al.)
Defendants,)
-----)

**MOTION REQUESTING CONSIDERATION BY A SENIOR
JUDGE REQUESTING A WRITTEN APOLOGY BY THE
COURT AND A REFUND OF PLAINTIFF'S FILING FEE**

Introduction:

Plaintiff filed this Complaint on January 18, 2001 over 3 1/2 years ago. In spite of repeated attempts to get the case moving, the Sixth District Federal Court allowed this case to lie dormant and gather dust at one point for over a year and a half. When a conference was finally conducted by the Court, the Honorable Magistrate Susan M. Novonty stated that such a delay by the Court was "an abomination". She then went on to discuss most of the completion dates for the case (but not all) and told me at the conference she would issue a scheduling order and I would get a copy. I didn't get a copy. I filed a Motion for an extension of all completion dates by 150 days (Doc 27) because I had waited five months for the scheduling order. That Motion was denied by the Honorable Magistrate Timothy Black. I then filed a Motion for Reconsideration of that denial by a Senior Judge. The Court did not honor that Motion. Instead, the Honorable Magistrate

Timothy Black reconsidered his previous denial and completely reversed himself having only the exact same facts as the first motion. I question whether or not this was proper. The issues didn't move up the Judicial system which is what I asked for in the Motion to Reconsider. The Court made this thing drag out as long as it did and has through Magistrate Black's Order of June 18, 2004, (Doc 32) given the impression it is not concerned with an Order that was not served according to its own rules.

Four times during the 1 1/2 years this case lay dormant I asked the Clerk's office if I should ask the Court to get moving and each time I was told to wait until the Court contacted me. My treatment by the Sixth District Federal Court really was "an abomination" not only to have to wait so long, but also to neglect the service of an Order. An apology is in order. And I am asking the Court to consider itself in "breach of contract" in this case and to Order a refund of my \$150.00 filing fee.

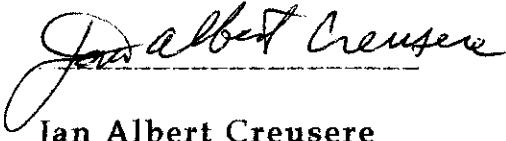
The Court might also consider a little "soul searching" as to how it treats *pro se* litigants.

MOTION

I, Jan Albert Creusere, Plaintiff, *pro se*, in the above captioned case do respectfully move the Court to have the Senior Judge in this case, the Honorable Susan Beckwith, to order the Court to issue said Plaintiff a written apology for its treatment of him and to order a refund of the filing fee he had to pay to the District Court on January 18, 2001.

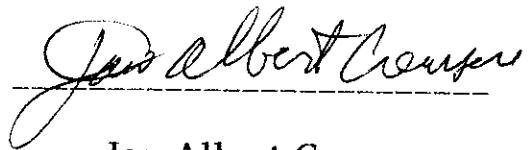
Note: This Motion is being filed *before* the Joint Stipulated Motion to Dismiss which will be filed shortly electronically by Ulmer & Berne, counsel for the Defendants and therefore should properly be considered first.

Respectfully submitted this 1st day of July, 2004 by


Jan Albert Creusere

Certificate of Service

I, Jan Albert Creusere, Plaintiff *pro se*, hereby attest and affirm that a true and accurate copy of the above Motion was sent to Fred Seleman, Counsel for the Defendants, c/o Ulmer & Berne, LLP, Penton Media Building, 1300 East Ninth Street, Suite 900, Cleveland, OH 44114, via Fed Ex, postage prepaid, on this 1st day of July, 2004.



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